

IC 3-11-8

Chapter 8. Voting Procedures Generally

IC 3-11-8-1

Application of chapter

Sec. 1. This chapter applies to each precinct.

As added by P.L.5-1986, SEC.7.

IC 3-11-8-1.2

"Facility" and "accessible facility" defined; facility standards

Sec. 1.2. (a) As used in this section, "facility" refers to the facility in which a polling place is located.

(b) For purposes of this chapter, a facility is an "accessible facility" for elderly voters and voters with disabilities only if the following apply:

(1) The facility meets the standards for accessibility for elderly voters and voters with disabilities established under 42 U.S.C. 1973ee through 42 U.S.C. 1973ee-6.

(2) All the following are accessible to elderly voters and voters with disabilities in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters:

(A) Parking spaces marked and available to conform with IC 5-16-9.

(B) The path to the facility that an individual must travel on the property where the facility is located.

(C) The entrances of the facility to be used by voters.

(D) The paths of travel within the facility to the rooms or areas where the voting systems are located.

(E) The rooms or areas in the facility where the voting systems are located.

(c) The requirements of subsection (b) are satisfied if a facility will comply with subsection (b) by implementing temporary measures.

As added by P.L.116-2003, SEC.3.

IC 3-11-8-2

Voting in precinct of residence

Sec. 2. A voter shall vote at the polls for the precinct where the voter resides except when authorized to vote in another precinct under IC 3-10-10, IC 3-10-11, IC 3-10-12, or at a special voting poll under section 6.5 of this chapter.

As added by P.L.5-1986, SEC.7. Amended by P.L.10-1988, SEC.107; P.L.4-1991, SEC.86; P.L.17-1993, SEC.13; P.L.12-1995, SEC.80; P.L.116-2003, SEC.4.

IC 3-11-8-3

County executive secures voting polls; accessible facility

Sec. 3. (a) Before each election each county executive shall secure for each precinct of the county an accessible facility in which to hold

the election.

(b) If an accessible facility is not available within the precinct, then the polls may be located in another precinct in the county if the polls are:

(1) either:

(A) not more than five (5) miles from the closest boundary of the precinct for which it is the polls; or

(B) located in the same township as the precinct that does not have an accessible facility available; and

(2) located in an accessible facility.

(c) If the county election board, by a unanimous vote of its entire membership, determines that an accessible facility is not available under subsection (b), the board may locate the polls in the most convenient available accessible facility in the county.

(d) If the county election board, by unanimous vote of its entire membership, determines that:

(1) an accessible facility is not available under subsection (b) or (c); and

(2) the most convenient accessible facility is located in an adjoining county;

the board may locate the polls in the facility described in subdivision

(2) with the unanimous consent of the entire membership of the county election board of the county in which the facility is located.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.251; P.L.3-1993, SEC.144; P.L.1-1994, SEC.5; P.L.2-1996, SEC.183; P.L.3-1997, SEC.295; P.L.116-2003, SEC.5; P.L.230-2005, SEC.52.

IC 3-11-8-3.1

Designation of polls

Sec. 3.1. (a) A county executive shall designate the polls for each precinct not less than twenty-nine (29) days before election day.

(b) The designation of a polling place under this section remains in effect until:

(1) the location of the polling place is altered by an order of the county executive or county election board under this chapter; or

(2) a precinct establishment order issued under IC 3-11-1.5:

(A) designates a new polling place location; or

(B) combines the existing precinct with another precinct established by the order.

(c) The county executive shall then file the report required by section 6.5 of this chapter concerning polls that are inaccessible to voters with disabilities.

As added by P.L.13-1988, SEC.8. Amended by P.L.4-1991, SEC.87; P.L.12-1995, SEC.81; P.L.3-1997, SEC.296; P.L.116-2003, SEC.6.

IC 3-11-8-3.2

Notice of location of polls; special polling places; change of location of polls

Sec. 3.2. (a) A county executive shall give ten (10) days notice of the place of voting in each precinct by publication in the manner

prescribed by IC 5-3-1-4. The notice must include the following information:

- (1) For each precinct, whether the polls are located in an accessible facility.
- (2) If special polling places are designated under section 6.5 of this chapter:
 - (A) the location of each special polling place; and
 - (B) the procedures for elderly voters and voters with disabilities to apply to vote at a special polling place.
- (b) If it is necessary to change a place for voting after giving notice, notice of the change shall be given in the same manner. However, except as provided in subsection (c), a change may not be made within two (2) days before an election.
- (c) If the county election board determines by a unanimous vote of the board's entire membership that the use of a polling place at an election would be dangerous or impossible, the county election board may order the relocation of the polling place during the final two (2) days before an election. The county election board shall give the best possible notice of this change to news media and the voters of the precinct. If an order is adopted under this subsection, the order expires after the election.

As added by P.L.13-1988, SEC.9. Amended by P.L.3-1993, SEC.145; P.L.116-2003, SEC.7.

IC 3-11-8-3.4

County applications to Secretary of Health and Human Services to make polling places accessible and provide information to voters with disabilities

Sec. 3.4. (a) As authorized under 42 U.S.C. 15421, a county election board may apply on behalf of a county to the Secretary of Health and Human Services for payments under HAVA (42 U.S.C. 15421 through 15425) to do the following:

- (1) Make polling places (including the path of travel, entrances, exits, and voting areas of each polling place) more accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as other voters.
- (2) Provide individuals with disabilities and other individuals described in subdivision (1) with information about the accessibility of polling places, including outreach programs to inform the individuals about the availability of accessible polling places and training election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities in elections.
- (b) If a county election board submits an application under subsection (a), the application must:
 - (1) comply with 42 U.S.C. 15423; and
 - (2) be filed with the election division not later than the submission of the application under subsection (a).

(c) If a county election board receives payments from the Secretary of Health and Human Services under 42 U.S.C. 15421 through 15425, the payments shall be deposited in the county general fund and appropriated to the county election board for the purposes described in the application. The county election board shall spend the money for the purposes described in the application.

(d) As required by 42 U.S.C. 15425, the county election board shall file a report with the Secretary of Health and Human Services regarding the activities conducted with these funds and the expenditures made with respect to the categories listed in subsection (a)(1) and (a)(2). The county election board shall file a copy of the report with the election division and the state board of accounts not later than the date the report is submitted under this subsection.

As added by P.L.209-2003, SEC.128.

IC 3-11-8-4

Public buildings to be available for holding election

Sec. 4. School buildings, fire stations, and all other public buildings shall be made available without charge to a county for holding an election. The county may not be required to sign any agreement assuming liability as a precondition for use of the public building.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1997, SEC.297.

IC 3-11-8-4.1

Location of polls; one place per precinct

Sec. 4.1. The polls for each precinct may be located in only one (1) place.

As added by P.L.13-1988, SEC.10.

IC 3-11-8-4.2 Repealed

(Repealed by P.L.116-2003, SEC.11.)

IC 3-11-8-4.3

Location of polls in adjoining precinct

Sec. 4.3. (a) If the county election board adopts an order by the unanimous vote of the entire membership of the board, the county executive may locate the polls for the precinct at the polls for an adjoining precinct, using the precinct election board of the adjoining precinct.

(b) An order adopted under this section expires December 31 after the date the order was adopted.

(c) If a precinct election board administers more than one (1) precinct under this section, the board shall keep the ballots cast in each precinct separate from ballots cast in any other precinct, so that the votes cast for each candidate and on each public question in each of the precincts administered by the board may be determined.

As added by P.L.13-1988, SEC.12. Amended by P.L.5-1989, SEC.53; P.L.12-1995, SEC.82; P.L.14-2004, SEC.115; P.L.230-2005, SEC.53.

IC 3-11-8-5

Election not to be held in room where alcoholic beverages kept or sold

Sec. 5. An election may not be held in a room in which alcoholic beverages are kept or sold.

As added by P.L.5-1986, SEC.7.

IC 3-11-8-6

Requirement to locate polls in accessible facility

Sec. 6. Except as provided in section 6.5 of this chapter, the county executive shall locate the polls for each precinct in an accessible facility.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.252; P.L.10-1988, SEC.108; P.L.4-1991, SEC.88; P.L.2-1996, SEC.184; P.L.3-1997, SEC.298; P.L.38-1999, SEC.42; P.L.116-2003, SEC.8.

IC 3-11-8-6.5

Report of accessible polling places; designation of special polling places

Sec. 6.5. (a) Not later than twenty-nine (29) days before election day, the county executive shall file a report with the co-directors of the election division listing each precinct of the county for which the county executive was unable to secure an accessible facility for election day. The report must include any other information required by the co-directors.

(b) If the co-directors determine that there are no accessible facilities the county executive can secure for a precinct polling place, the co-directors shall authorize the county executive to designate at least one (1) special polling place in the county.

(c) A special polling place must:

- (1) be located in an accessible facility; and
- (2) operate under all other requirements for precincts and polls under this title.

(d) A precinct polling place located in an accessible facility may be used as a special polling place for the county under subsection (c).

(e) The circuit court clerk shall assign a special polling place to an elderly voter or a voter with disabilities:

- (1) whose regular precinct polling place is not located in an accessible facility; and
- (2) who submits an application on a form prescribed by the commission not later than ten (10) days before election day.

Applications may be submitted under subdivision (2) by mail or in person at the circuit court clerk's office.

(f) The precinct election board at a special polling place shall do the following:

- (1) Provide each elderly voter or voter with disabilities assigned to the special polling place under subsection (e) a ballot that includes all offices and public questions to be voted for in the voter's precinct of residence.
- (2) Prepare a separate poll list for the elderly voters and the

voters with disabilities assigned to the special polling place.

(g) Votes cast at a special polling place shall be counted and reported in the same manner as votes cast at a precinct under this title.

As added by P.L.116-2003, SEC.9.

IC 3-11-8-7

Preparation of polls for election

Sec. 7. In preparing the polls for an election, the county executive shall:

- (1) have placed within the room a railing separating the part of the room to be occupied by the precinct election board from that part of the room to be occupied by the ballot card voting systems, electronic voting systems, and the three (3) or more booths or compartments for marking paper ballots, whenever either or two (2) of these voting systems are used;
- (2) ensure that the portion of the room set apart for the precinct election board includes a door at which each voter appears for challenge; and
- (3) provide a method or material for designating the boundaries of the chute, such as a railing, rope, or wire on each side, beginning a distance equal to the length of the chute (as defined in IC 3-5-2-10) away from and leading to the door for challenge and to the room in which the election is held.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.253; P.L.69-2003, SEC.4; P.L.221-2005, SEC.65.

IC 3-11-8-8

Poll time on election day

Sec. 8. The polls in each precinct open at 6 a.m. and close at 6 p.m. on election day.

As added by P.L.5-1986, SEC.7.

IC 3-11-8-9

Proclamation of opening and closing of polls

Sec. 9. The inspector of each precinct shall proclaim the opening and closing of the polls to the people outside the polls in a loud tone of voice.

As added by P.L.5-1986, SEC.7.

IC 3-11-8-10

Precinct record to be made by poll clerks; contents

Sec. 10. The poll clerks of each precinct shall make a record of:

- (1) the inspector's proclamation of the closing of the polls; and
- (2) the time the proclamation was made.

The poll clerks shall enter the record required by this section on the tally papers. After the record has been made no more voters may vote except as provided in section 11 of this chapter.

As added by P.L.5-1986, SEC.7.

IC 3-11-8-10.5

Recording name of voters who sign poll list; requirements

Sec. 10.5. A poll clerk may record the names of individuals who have signed the poll list and make that record available to a watcher or pollbook holder who requests the information. However, the poll clerk must ensure that:

- (1) a voter is not delayed in casting the voter's votes as a result of the preparation of the record, or by providing the information; and
- (2) the poll clerk does not engage in electioneering (as defined under IC 3-14-3-16) in providing this information.

As added by P.L.9-2004, SEC.18.

IC 3-11-8-11

Closing of polls; persons permitted to vote; extension of voting hours by order; provisional ballots

Sec. 11. (a) When the hour for closing the polls occurs, the precinct election board shall permit all voters who:

- (1) have passed the challengers and who are waiting to announce their names to the poll clerks for the purpose of signing the poll list;
- (2) have signed the poll list but who have not voted; or
- (3) are in the act of voting;

to vote. In addition, the inspector shall require all voters who have not yet passed the challengers to line up in single file within the chute. The poll clerks shall record the names of the voters in the chute, and these voters may vote unless otherwise prevented according to law.

(b) This subsection applies if a court order (or other order) has been issued to extend the hours that the polls are open under section 8 of this chapter. As provided in 42 U.S.C. 15482, the inspector shall identify the voters who would not otherwise be eligible to vote after the closing of the polls under subsection (a) and shall provide a provisional ballot to the voters in accordance with IC 3-11.7.

As added by P.L.5-1986, SEC.7. Amended by P.L.209-2003, SEC.129; P.L.221-2005, SEC.66.

IC 3-11-8-12

No adjournment or recess after opening of polls until closed

Sec. 12. After the opening of the polls, there may be no adjournment or recess until after the polls have been closed and the inspector is ready to leave with the ballot box and other documents and papers to be delivered to the circuit court clerk.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.254.

IC 3-11-8-13

Restrictions on inspector, judge, or poll clerk of precinct after closing of polls

Sec. 13. An inspector, judge, or poll clerk of a precinct may not vote after the polls have closed nor make a statement concerning the

result of the election before the closing of the polls.
As added by P.L.5-1986, SEC.7.

IC 3-11-8-14

Reading of IC 3-14-4-7 to precinct election board; oath

Sec. 14. At the opening of the polls, the inspector of each precinct shall read IC 3-14-4-7 to the precinct election board. Each member of the board shall take an oath that the member has not violated and will not violate IC 3-14-4-7.

As added by P.L.5-1986, SEC.7.

IC 3-11-8-15

Persons permitted at polls during elections; simulated elections

Sec. 15. (a) Only the following persons are permitted in the polls during an election:

- (1) Members of a precinct election board.
- (2) Poll clerks and assistant poll clerks.
- (3) Election sheriffs.
- (4) Deputy election commissioners.
- (5) Pollbook holders and challengers.
- (6) Watchers.
- (7) Voters for the purposes of voting.
- (8) Minor children accompanying voters as provided under IC 3-11-11-8.
- (9) An assistant to a precinct election officer appointed under IC 3-6-6-39.
- (10) An individual authorized to assist a voter in accordance with IC 3-11-9.
- (11) A member of a county election board, acting on behalf of the board.
- (12) A mechanic authorized to act on behalf of a county election board to repair a voting system (if the mechanic bears credentials signed by each member of the board).
- (13) Either of the following who have been issued credentials signed by the members of the county election board:
 - (A) The county chairman of a political party.
 - (B) The county vice chairman of a political party.
- (14) The secretary of state, as chief election officer of the state, unless the individual serving as secretary of state is a candidate for nomination or election to an office at the election.

(b) This subsection applies to a simulated election for minors conducted with the authorization of the county election board. An individual participating in the simulated election may be in the polls for the purpose of voting. A person supervising the simulated election may be in the polls to perform the supervision.

(c) The inspector of a precinct has authority over all simulated election activities conducted under subsection (b) and shall ensure that the simulated election activities do not interfere with the election conducted in that polling place.

As added by P.L.5-1986, SEC.7. Amended by P.L.4-1991, SEC.89;

P.L.3-1993, SEC.146; P.L.38-1999, SEC.43; P.L.66-2003, SEC.40; P.L.209-2003, SEC.130; P.L.97-2004, SEC.8; P.L.14-2004, SEC.116; P.L.230-2005, SEC.54.

IC 3-11-8-16

Only voters permitted near entrance to the polls

Sec. 16. A person may not remain within a distance equal to the length of the chute (as defined in IC 3-5-2-10) of the entrance to the polls except for the purpose of offering to vote.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1993, SEC.147; P.L.3-1997, SEC.299; P.L.2-1998, SEC.7; P.L.38-1999, SEC.44; P.L.69-2003, SEC.5; P.L.230-2005, SEC.55.

IC 3-11-8-17

Number of voters to be admitted to polls at one time

Sec. 17. In a precinct for which assistant poll clerks are provided, as many as six (6) voters may be admitted to the polls at one time for the purpose of voting. If there are no assistant poll clerks, no more than three (3) voters may be admitted to the polls at any one time.

As added by P.L.5-1986, SEC.7.

IC 3-11-8-18

Voter not to converse with any person except precinct election board member

Sec. 18. A voter or person offering to vote may not converse or communicate with a person other than a member of the precinct election board while at the polls.

As added by P.L.5-1986, SEC.7.

IC 3-11-8-19

Approach and entry to chute; announcement of voter's name to challengers

Sec. 19. Voters shall approach and enter the chute in the order in which they appear for the purpose of voting. A voter shall immediately announce the voter's full and true name to the challengers.

As added by P.L.5-1986, SEC.7.

IC 3-11-8-20

Challenge of voter; reduction of challenge to affidavit form

Sec. 20. If a voter offering to vote is challenged by a challenger or by a member of the precinct election board, the person challenging the voter shall reduce the challenge to affidavit form, setting forth succinctly the reasons for the challenge.

As added by P.L.5-1986, SEC.7.

IC 3-11-8-21

Challenge of voter; challenger's affidavit

Sec. 21. The affidavit of challenge prescribed by section 20 of this chapter must set forth under oath or affirmation the following:

- (1) The name of the challenger.
- (2) The name of the person being challenged.
- (3) The reasons the challenger believes the person being challenged is not a legal voter in the precinct.
- (4) The source of the information provided under subdivision (3).
- (5) A statement that the challenger understands that making a false statement on the affidavit is punishable under the penalties of perjury.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1995, SEC.103.

IC 3-11-8-22

Challenge of voter; conditions under which challenged voter may vote

Sec. 22. (a) A voter challenged under section 20 of this chapter may vote if the voter makes an affidavit in writing under section 23 of this chapter and either of the following applies:

- (1) The voter's name appears on the registration list.
- (2) The voter does one (1) of the following:
 - (A) Produces a certificate of error issued by a registration official of the county in accordance with IC 3-7-48 showing that the voter is registered in the precinct where the voter resides and offers to vote.
 - (B) Produces an affidavit executed under IC 3-10-10 or IC 3-10-11 if the voter executed an affidavit under those provisions.
 - (C) Makes an oral or a written affirmation under IC 3-10-12.

(b) After December 31, 2003, a voter challenged under section 20 of this chapter:

- (1) whose name does not appear on the registration list; and
- (2) who is not permitted to cast a vote under IC 3-7-48-1, IC 3-7-48-5, IC 3-7-48-7, IC 3-10-10, IC 3-10-11-2, or IC 3-10-12;

is entitled to cast a provisional ballot under IC 3-11.7 if the voter makes an affidavit in writing that the voter is a legal voter of the precinct.

As added by P.L.5-1986, SEC.7. Amended by P.L.10-1988, SEC.109; P.L.4-1991, SEC.90; P.L.17-1993, SEC.14; P.L.12-1995, SEC.83; P.L.126-2002, SEC.59; P.L.209-2003, SEC.131.

IC 3-11-8-23

Challenge of voter; challenged voter's affidavit

Sec. 23. The affidavit of a challenged voter required by section 22 of this chapter must be sworn and affirmed and must contain the following:

- (1) A statement that the voter is a citizen of the United States.
- (2) The voter's date of birth to the best of the voter's information and belief.
- (3) A statement that the voter has been a resident of the precinct for thirty (30) days immediately before this election or is

qualified to vote in the precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.

(4) The voter's name and a statement that the voter is generally known by that name.

(5) A statement that the voter has not voted and will not vote in any other precinct in this election.

(6) The voter's occupation.

(7) The voter's current residential address, including the street or number and if applicable, the voter's residential address thirty (30) days before the election, and the date the voter moved.

(8) A statement that the voter understands that making a false statement on the affidavit is punishable under the penalties of perjury.

(9) After December 31, 2003, if the individual's name does not appear on the registration list and the individual is not entitled to vote under IC 3-7-48-1, IC 3-7-48-5, IC 3-7-48-7, IC 3-10-10, IC 3-10-11-2, or IC 3-10-12, a statement that the individual registered to vote and where the individual believes the individual registered to vote during the registration period described by:

(A) IC 3-7-13-10; or

(B) IC 3-7-36-11, if the voter registered under that section.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.255; P.L.10-1988, SEC.110; P.L.4-1991, SEC.91; P.L.17-1993, SEC.15; P.L.12-1995, SEC.84; P.L.3-1995, SEC.104; P.L.126-2002, SEC.60; P.L.209-2003, SEC.132.

IC 3-11-8-23.5

Application of section; challenged voter casting provisional ballot; affidavit

Sec. 23.5. (a) This section applies after December 31, 2003.

(b) In accordance with 42 U.S.C. 15482, a voter challenged under section 21 of this chapter is entitled to cast a provisional ballot under IC 3-11.7 after executing the affidavit under section 23 of this chapter.

As added by P.L.209-2003, SEC.133.

IC 3-11-8-24

Repealed

(Repealed by P.L.4-1991, SEC.147.)

IC 3-11-8-25

Admittance of voter to polls; proof of identification; procedure; additional documentation; provisional ballots; expiration of section

Sec. 25. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a member of the precinct election board shall ask the voter to provide proof of identification. The voter shall

produce the proof of identification before being permitted to sign the poll list.

(c) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22 of this chapter, the voter may:

- (1) sign the poll list; and
- (2) receive a provisional ballot.

(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.

(f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

- (1) The voter's name.
- (2) The voter's current residence address.

(g) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

- (1) ask the voter to provide the voter's voter identification number;
- (2) tell the voter the number the voter may use as a voter identification number; and
- (3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

(h) The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 or IC 3-11-3-18 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 42 U.S.C. 15483 and IC 3-7-33-4.5 before voting in person. If the list (or a certification concerning absentee voters under IC 3-11-10-12) indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present, in addition to the proof of identification required under subsection (b), a piece of identification described in subsection (i) to the poll clerk.

(i) As required by 42 U.S.C. 15483, in addition to the proof of identification required under subsection (b), a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

- (1) a current and valid photo identification; or
- (2) a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.

(j) If a voter presents a document under subsection (i), the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

(k) If a voter required to present documentation under subsection (i) is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11.7-2.

(l) The precinct election board shall advise the voter that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11.7.

(m) This subsection does not apply to a precinct in a county with a computerized registration system whose inspector was:

- (1) furnished with a list certified under IC 3-7-29; and
- (2) not furnished with a certified photocopy of the signature on the affidavit of registration of each voter of the precinct for the comparison of signatures under this section.

In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(n) If, in a precinct governed by subsection (m):

- (1) the poll clerk does not execute a challenger's affidavit; or
- (2) the voter executes a challenged voter's affidavit under section 22 of this chapter or had executed the affidavit before signing the poll list;

the voter may then vote.

(o) This section expires January 1, 2006.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.256; P.L.5-1989, SEC.54; P.L.7-1990, SEC.48; P.L.1-1991, SEC.5; P.L.12-1995, SEC.85; P.L.199-2001, SEC.21; P.L.209-2003, SEC.134; P.L.109-2005, SEC.3.

IC 3-11-8-25.1

Application of section; admittance of voter to polls; proof of identification; procedure

Sec. 25.1. (a) This section applies after December 31, 2005.

(b) Except as provided in subsection (f), a voter who desires to vote an official ballot at an election shall provide proof of

identification.

(c) Except as provided in subsection (f), before the voter proceeds to vote in the election, a member of the precinct election board shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.

(d) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(e) If the voter executes a challenged voter's affidavit under section 22 of this chapter, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(f) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.

(g) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

(1) The voter's name.

(2) Except as provided in subsection (l), the voter's current residence address.

(h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(i) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification.

(j) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by

section 21 of this chapter.

(k) If, in a precinct governed by subsection (h):

- (1) the poll clerk does not execute a challenger's affidavit; or
- (2) the voter executes a challenged voter's affidavit under section 22 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

(l) Each line on a poll list sheet provided to take a voter's current address must include a box under the heading "Address Unchanged" so that a voter whose residence address shown on the poll list is the voter's current residence address may check the box instead of writing the voter's current residence address on the poll list.

As added by P.L.209-2003, SEC.135. Amended by P.L.2-2004, SEC.3; P.L.109-2005, SEC.4.

IC 3-11-8-25.2

Applicability; additional documentation before voting; procedure; use of provisional ballot without documentation

Sec. 25.2. (a) This section applies after December 31, 2005.

(b) The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 42 U.S.C. 15483 and IC 3-7-33-4.5 before voting in person. If the list (or a certification concerning absentee voters under IC 3-11-10-12) indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present, in addition to the proof of identification required by section 25.1(b) of this chapter, a piece of identification described in subsection (c) to the poll clerk.

(c) As required by 42 U.S.C. 15483, and in addition to the proof of identification required by section 25.1(b) of this chapter, a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

- (1) A current and valid photo identification.
- (2) A current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.

(d) If a voter presents a document under subsection (c), the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

(e) If a voter required to present documentation under subsection (c) is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11.7-2.

(f) The precinct election board shall advise the voter that the voter may file a copy of the documentation with the county voter

registration office to permit the provisional ballot to be counted under IC 3-11.7.

As added by P.L.14-2004, SEC.117. Amended by P.L.109-2005, SEC.5.

IC 3-11-8-25.5

Voter who leaves poll without casting ballot

Sec. 25.5. If an individual signs the individual's name and either:

- (1) signs the individual's address; or
- (2) after December 31, 2005, checks the "Address Unchanged" box;

on the poll list under section 25 or 25.1 of this chapter and then leaves the polls without casting a ballot or after casting a provisional ballot, the voter may not be permitted to reenter the polls to cast a ballot at the election.

As added by P.L.3-1997, SEC.300. Amended by P.L.209-2003, SEC.136; P.L.2-2004, SEC.4; P.L.109-2005, SEC.6.

IC 3-11-8-26

Procedure for voter who cannot sign name and address or has disability related difficulty; expiration of section

Sec. 26. (a) If a voter:

- (1) cannot sign; or
- (2) is a voter with a disability that makes it difficult for the voter to sign;

the voter's name and address, the poll clerks shall, by proper interrogation, satisfy themselves that the voter is the person the voter represents the voter to be.

(b) If satisfied as to the voter's identity under subsection (a), one (1) of the poll clerks shall then place the following on the poll list:

- (1) The voter's name.
- (2) The voter's current residence address.

(c) The poll clerks shall:

- (1) ask the voter to provide or update the voter's voter identification number;
- (2) tell the voter the number the voter may use as a voter identification number; and
- (3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

(d) The poll clerk shall then add the clerk's initials in parentheses, after or under the signature. The voter then may vote.

(e) This section expires January 1, 2006.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.257; P.L.1-1990, SEC.9; P.L.4-1991, SEC.92; P.L.199-2001, SEC.22; P.L.209-2003, SEC.137; P.L.14-2004, SEC.118.

IC 3-11-8-26.1

Application of section; procedure for voter who cannot sign name and address or who has disability related difficulty

Sec. 26.1. (a) This section applies after December 31, 2005.

(b) If a voter:

(1) cannot sign; or

(2) is a voter with a disability that makes it difficult for the voter to sign;

the voter's name and address, the poll clerks shall, by proper interrogation, satisfy themselves that the voter is the person the voter represents the voter to be.

(c) If satisfied as to the voter's identity under subsection (b), one

(1) of the poll clerks shall then place the following on the poll list:

(1) The voter's name.

(2) Except as provided in subsection (f), the voter's current residence address.

(d) The poll clerks shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(e) The poll clerk shall then add the clerk's initials in parentheses, after or under the signature. The voter then may vote.

(f) Each line on a poll list sheet provided to take a voter's current residence address must include a box under the heading "Address Unchanged" so that the poll clerk may check the box to indicate that the residence address shown on the poll list is the voter's current residence address instead of writing the voter's current residence address on the poll list.

As added by P.L.209-2003, SEC.138. Amended by P.L.2-2004, SEC.5.

IC 3-11-8-27

Challenge of voter by precinct election board member

Sec. 27. If a member of a precinct election board is not satisfied that a person who offers to vote is the person who the person represents the person to be, the member may challenge the person and the person may vote only if the person signs the affidavit required to be signed by voters who are challenged under section 20 of this chapter.

As added by P.L.5-1986, SEC.7.

IC 3-11-8-27.5

Application of section; challenged voter entitled to cast provisional ballot

Sec. 27.5. (a) This section applies after December 31, 2003.

(b) In accordance with 42 U.S.C. 15482, a voter challenged under section 27 of this chapter is entitled to cast a provisional ballot under IC 3-11.7 after executing the affidavit under section 23 of this chapter.

As added by P.L.209-2003, SEC.139.

IC 3-11-8-28**Repealed**

(Repealed by P.L.230-2005, SEC.91.)

IC 3-11-8-29**Poll list; precinct election board's copy**

Sec. 29. (a) This section does not apply to a list kept by a poll clerk under section 10.5 of this chapter.

(b) A precinct election board may not keep a poll list other than the poll list required by section 25 or 25.1 of this chapter.

As added by P.L.5-1986, SEC.7. Amended by P.L.109-2005, SEC.7.

IC 3-11-8-30**Poll list; return to circuit court clerk; preservation**

Sec. 30. Each inspector shall return the poll lists, together with the oaths of the precinct election board members, in a sealed envelope separate from all other precinct election returns to the circuit court clerk. The clerk shall preserve the poll lists for the period required by IC 3-10-1-31 or IC 3-10-1-31.1.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1993, SEC.148; P.L.14-2004, SEC.119.

IC 3-11-8-31**Repealed**

(Repealed by P.L.3-1987, SEC.570.)

IC 3-11-8-32**Repealed**

(Repealed by P.L.3-1987, SEC.570.)

IC 3-11-8-33**Repealed**

(Repealed by P.L.4-1988, SEC.3.)